

Docket No. ETH-1536

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Joseph H. Contiliano et al.

Serial No. : 09/874,218

Art Unit: 3738

Filed

: June 5, 2001

Examiner: W. Matthews

For

: ATTACHMENT OF ABSORBABLE TISSUE SCAFFOLD FIXATION

DEVICES

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on TECHNOLOGY CENTER R3700 January 20, 2004 (Date of Deposit)

William K. Wissing (Name of applicant, assignee, or Registered Representative)

January 20, 2004

(Date of Signature)

Commissioner for Patents P.O. Box 1450 Washington, D.C. 20231

SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Dear Sir:

This copy is supplemental to the Information Disclosure Statement mailed on November 18, 2003.

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this 01/27/2004 MAHHED1 00000147 100750 09874218

information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

In accordance with §1.97(b), since this information
Disclosure Statement is being filed either within three months
of the filing date of the above-identified national application
(other than a continued prosecution application under $\S1.53(d)$),
within three months of the date of entry into the national
stage of the above identified application as set forth in
$\S 1.491$, or before the mailing date of a first Office Action on
the merits of the above-identified application, or before the
mailing date of a first Office Action after the filing of a
request for continued examination under §1.114, no additional
fee is required.
In accordance with §1.129(a), this Information
Disclosure Statement is being filed in connection with \Box the
first or []second After Final Submission, therefore:
Statement in Accordance with §1.97(e)
(attached); or
Please charge Deposit Account No. 10-
0750/ / the fee of $$180.00$ as set forth
in §1.17(p).

Disclosure Statement is being filed after the period set forth in §1.97(b) above but before the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311, or an action that otherwise closes prosecution and that it is accompanied by one of:

•		Statement in Accordance with §1.97(e)	
ř		(attached); or	
	\boxtimes	Please charge Deposit Account No. 10-0750/ETH-	
		1535/WKW the fee of $$180.00$ as set forth in	
		§1.17(p).	
		in a cardy this Information	
		ccordance with §1.97(d), this Information	
	Disclosure Statement is being filed after the mailing date of		
		Action under §1.113 or a Notice of Allowance	
	•	ut before the payment of the Issue Fee.	
		ereby petition(s) for consideration of this	
	Information Disclosure Statement. Included are: Statement in		
		h §1.97(e) as set forth below and the fee of	
	\$180.00 as set forth in §1.17(p).		
Copies of each of the references listed on the			
	attached Form PTO-1449 are enclosed herewith.		
	Copies of references listed on the attached Form PTO-		
	1449 are enclosed herewith EXCEPT THAT:		
		In view of the voluminous nature of references	
		[list as appropriate], and the likelihood that	
		these references are available to the Examiner,	
		copies are not enclosed herewith.	
		copies are not eneroped nerowes.	
	П	If any of the foregoing publications are not	
		available to the Examiner, Applicant will	
		endeavor to supply copies at the Examiner's	
		request.	
	Copies of only foreign patent documents and non-		
	patent literature are enclosed in accordance with 37 CFR 1.98		
	(a)(2). (The U.S. patents and each U.S. patent application		
	publication listed on the attached Form PTO-1449 are not		

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enclosed because this U.S. patent application was filed after June 30, 2003 or this international application has entered the national stage under 35 USC §371 after June 30, 2003 (see USPTO waiver of requirement under 37 CFR 1.98 (a)(2)(i).

There are no listed references which are not in the English language.

The relevance of those listed references which are not in the English language is as follows:

Attached are copies of search report(s) from corresponding patent application(s), which are listed on the attached Submission Under MPEP 609 D.

Copies of the references listed on the search report(s) are included except for those previously cited in an IDS mailed $\,$.

Attached are the following non-published pending patent applications which may be deemed relevant, which are listed on the attached Submission Under MPEP 609 D: USSN 10/154,136, Hammer et al., "Attachment of Absorbable Tissue Scaffolds to Fixation Devices" filed May 23, 2002; USSN 10/159,178, Hammer et al., "Attachment of Absorbable Tissue Scaffolds to Fixation Devices," filed May 31, 2002.

Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0750/ETH-1536/WKW. This form is submitted in triplicate.

Respectfully submitted,

William K. Wissing

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DATED: January 20, 2004